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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,940	01/31/2001	Toshimichi Kawai	Q62766	9878

7590

01/05/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2136

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,940

Applicant(s)

KAWAI, TOSHIMICHI

Examiner

Brandon Hoffman

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-19 are pending in this office action, claims 13-19 are newly added.
2. Applicant's arguments filed November 4, 2004, have been considered and are persuasive. However a new ground of rejection has been made in view of Watanabe.

Rejections

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe (Japanese Patent No. 05-204483A).

Regarding claim 15, Watanabe teaches an information terminal including an information apparatus and a battery pack, comprising:

- A communication section (fig. 1, ref. num 10 and 11);
- An apparatus memory storing a first password (paragraph 0026, first sentence);

- A battery memory storing a second password (fig. 2, ref. num 5); and
- A switch for enabling electric power to a device load supplied by a power supply, on the basis of a control signal (fig. 1, ref. num 33);
- Wherein said communication section generates said control signal through a comparison of said first password with said second password, thereby enabling electric power to said device load when said first password is identical to said second password, and disabling electric power to said device load when said first password differs from said second password (paragraph 0022).

Regarding claim 16, Watanabe teaches wherein said first password is previously stored in said apparatus memory and said second password is previously stored in said battery memory (paragraph 0026, first sentence).

Regarding claims 17 and 18, Watanabe teaches wherein said battery pack comprises said power supply (fig. 2, ref. num 31).

Regarding claim 19, Watanabe teaches wherein said device load comprises an input device (fig. 3, ref. num 29B).

Claim Rejections - 35 USC § 103

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (Japanese Patent No. 05-204483A).

Regarding claim 1, Watanabe teaches an information terminal including an apparatus and a battery pack, wherein:

Said information apparatus comprises:

- A device load having an input device (fig. 3);
- A first switch for switching on/off the electric power supplied by said battery pack (fig. 1, ref. num 6);
- An apparatus memory for storing a first password (paragraph 0026, first sentence);
- A communication section for communicating with said apparatus memory, said input device and said battery pack (fig. 1, ref. num 10 and 11); and

Said battery pack comprises:

- A battery for supplying electric power for said information apparatus (fig. 2, ref. num 31); and
- A battery memory for storing a second password (fig. 2, ref. num 5),
 - Wherein said communication section communicates with said battery memory and said apparatus memory, when said first switch is turned on, reads out said first and second to compare said first password with said second password (paragraph 0014), and
 - Said communication section turns on said second switch so as to supply electric power from the battery pack to said device load when said first password is identical to said second password as a result of the comparison, while it turns off said second switch so as not to supply

electric power from said battery pack to the device load when said first password differs from said second password (paragraph 0023).

Watanabe does not specifically teach *in the information apparatus*, a second switch for switching on/off the electric power for said device load supplied by said battery pack, on the basis of a control signal from said communication section.

However, Watanabe does teach a second switch for switching on/off the electric power for said device load supplied by said battery pack, on the basis of a control signal from said communication section (fig. 2, ref. num 33).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Watanabe to place the switch that enables/disables power to the information apparatus in the information apparatus. It would have been obvious for such modifications because this increases security of the portable information apparatus. By placing both switches in the apparatus, and not in the battery, a user who steals a portable apparatus and puts a regular battery in it—not one that stores and compares passwords—will not be able to gain access to the portable apparatus. However, if the second switch remains in the battery, and the portable apparatus is stolen, the switch that would normally enable/disable power based on password comparison is now missing because of the swapped battery. Therefore, the thief may be able to access the portable apparatus.

Regarding claim 2, Watanabe teaches an information terminal including an information apparatus and a battery pack, wherein:

Said information apparatus comprises:

- A device load having an input device (fig. 3);
- A first switch for switching on/off the electric power supplied by said battery pack (fig. 1, ref. num 6);
- An apparatus memory for storing a first password (paragraph 0026, first sentence);
- A communication section for communicating with said apparatus memory, said input device and said battery pack (fig. 1, ref. num 10 and 11);
- A load power supply for supplying electric power for said device load (fig. 1, ref. num 29); and

Said battery pack comprises:

- A battery for supplying electric power for said information apparatus (fig. 2, ref. num 31); and
- A battery memory for storing a second password (fig. 2, ref. num 5),
 - Wherein said communication section communicates with said battery memory and said apparatus memory, when said first switch is turned on, reads out said first and second to compare said first password with said second password (paragraph 0014), and
 - Said communication section turns on said second switch so as to supply electric power from the **load power supply** to said device load when said

first password is identical to said second password as a result of the comparison, while it turns off said second switch so as not to supply electric power from said load power supply to the device load when said first password differs from said second password (paragraph 0022).

Watanabe does not specifically teach *in the information apparatus*, a second switch for switching on/off the electric power for said device load supplied by said load power supply, on the basis of a control signal from said communication section.

However, Watanabe does teach a second switch for switching on/off the electric power for said device load supplied by said load power supply, on the basis of a control signal from said communication section (fig. 2, ref. num 33).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify Watanabe to place the switch that enables/disables power to the information apparatus in the information apparatus. It would have been obvious for such modifications because this increases security of the portable information apparatus. By placing both switches in the apparatus, and not in the battery, a user who steals a portable apparatus and puts a regular battery in it—not one that stores and compares passwords—will not be able to gain access to the portable apparatus. However, if the second switch remains in the battery, and the portable apparatus is stolen, the switch that would normally enable/disable power based on

password comparison is now missing because of the swapped battery. Therefore, the thief may be able to access the portable apparatus.

Regarding claim 3, Watanabe as modified teaches wherein said battery supplies electric power to said device load, said apparatus memory, said communication section and said battery memory (fig. 1, reference to "Power Source Supplied to Each Component").

Regarding claim 4, Watanabe as modified teaches wherein said battery supplies power to said apparatus memory, said communication section and said battery memory (fig. 1, reference to "Power Source Supplied to Each Component").

Regarding claim 5, Watanabe as modified teaches wherein power is supplied from said information apparatus to said battery memory (fig. 1, reference to "Power Source Supplied to Each Component," the battery memory is supplied power once the battery pack is plugged into the information apparatus).

Regarding claims 6 and 7, Watanabe as modified teaches wherein said input device performs setting or changing said first and/or second passwords via said communication section (paragraph 0020).

Regarding claim 8, Watanabe as modified teaches wherein said first password is identical with said second password (paragraph 0022, power is supplied if the passwords are identical).

Regarding claim 9, official notice is taken that said first password and said second password are set up prior to a factory shipment. This is a desirable effect in a case such as this, where passwords are employed for protecting a system. An initial password is in both devices, which is then changed by the user during a first use.

Regarding claim 10, Watanabe as modified teaches wherein said first password and said second password are any one of a number, a letter, and a cipher (paragraph 0020).

Regarding claim 11, the examiner believes it to be inherent that both the apparatus memory and the battery memory are non-volatile.

Regarding claim 12, Watanabe as modified teaches wherein each of said memories is an EEPROM (fig. 3, ref. num 29B, the code-setting section must contain a programmable ROM).

Regarding claims 13 and 14, Watanabe as modified teaches wherein said first password is previously stored in said apparatus memory and said second password is previously stored in said battery memory (paragraph 0026, first sentence).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brandon Hoff

BH

E. L. Moise
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PRIMARY EXAMINER